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EXAMINER

CHEA, PHILIP J

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/852,336
Filing Date: May 08, 2001
Appellant(s): WORK, JAMES DUNCAN

Tarek N. Fahmi 41,402
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 31, 2007 appealing from the Office action mailed July 25, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

Michalski, Jerry. "Collaborative Filters". Release 1.0. Nov 1996.

Kautz et al. "The Hidden Web". American Association for Artificial Intelligence. 1997. pages 27-36.

5,884,270

Walker et al.

3-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 148, 150, 155-156, 158, 172, 174, 177-178 are rejected under 35 U.S.C. 102(b) as being anticipated by Michalski ("Collaborative Filters").

As per claim 148, Michalski discloses a computer implemented method, comprising reporting matches to searches initiated by a searcher so long as access control criteria are met (see page 15, paragraph 4), the searches, and the access control criteria (i) being selectably controllable by any of one or more persons in one or more chains of person-to-person relationships connecting and including the

searcher and the potential targets (see page 15, paragraph 1), and (ii) defining ranked access levels assigned to said one or more persons, said access levels being defined in terms of attributes of relationships that exist between any two persons in each of said chains of person-to-person relationships connecting the searcher and the potential target to which each of the matches pertain (see page 15, paragraph 5, below "A delicate balance", where varying levels of security based on levels of trust is considered ranked access levels).

As per claim 150, Michalski further discloses that at least one attribute comprises an indication of a connection strength for at least one of the person-to-person relationships between persons forming said one or more chains of person-to-person relationships (see page 15, paragraph 1).

As per claim 155, Michalski further discloses that the matches are reported only so long as a connection between each person associated with said one or more chains of person-to-person relationships connecting the searcher and the potential targets satisfies at least one attribute of the access control criteria established by a next subsequent connector in a connection path between the searcher and the potential target (see page 15, paragraphs 4 and 5).

As per claim 156, Michalski further discloses that reporting matches to searches initiated by a searcher so long as access control criteria are met further comprises autonomously brokering connections between the searcher and the potential target so as to provide information regarding the one or more persons in the one or more chains of person-to-person relationships connecting the searcher and the potential targets (see page 15, paragraph 4).

As per claim 158, Michalski further discloses that autonomously brokering connections between the searcher and the potential target further comprises brokering, in accordance with one or more instructions supplied by any one or more connecting individuals in an inter-personal connection path from the searcher to a potential target, where such instructions refer to one or more of said attributes of relationships between any two or more said persons in said chains (see page 15, paragraph 5, below "A delicate balance").

As per claim 172, Michalski discloses a computer-implemented method, comprising reporting matches to search criteria specified in a search initiated by a searcher so long as connection strength

between each two people forming a person-to-person connection in a chain of person-to-person connections between the search and a potential target exceeds a connection strength threshold, said connection strength being an attribute of access control criteria that are selectably controllable by any of one or more persons in said chain of person-to-person connections between the searcher and the potential target (see page 15, paragraph 5, below "A delicate balance").

As per claim 174, Michalski further discloses that the connection threshold is established by the potential target (see page 15, paragraph 5, below "A delicate balance").

As per claim 177, Michalski further discloses that the access levels are autonomously derived and assigned based on instructions provided by said persons, said instructions referring to combinations of said attributes of relationships (see page 15, paragraph 5, below "A delicate balance", where information is available if specifically allowed by the guarding gatekeeper).

As per claim 178, Michalski further discloses that the access levels are autonomously derived and assigned based on data about the attributes of relationships (see page 15, paragraph 5, below "A delicate balance").

Claims 149,173,175-176 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michalski ("Collaborative Filters").

As per claims 149,175, although Michalski discloses connection strengths for person-to-person relationships (see page 15, paragraph 1, where likely connection and recommendations are considered connection strengths), it fails to expressly disclose that search criteria define a minimum connection strength for a person-to-person relationship that is required between persons forming said one or more chains of person-to-person relationships connecting the searching and the potential targets. However, Michalski shows that personal gatekeeper agents are able to give access at varying levels of security, based on level of trust. At the time of the invention a person skilled in the art would have found it obvious to include a search request that limited the search to a specified connection strength (i.e. minimum strength) in order to filter out the results that the gatekeeper agent will refuse if the level of security does not meet the required level of trust.

As per claim 173, given the reasoning above, it would have been obvious that the connection strength threshold is included in the search criteria specified by the searcher in order to filter out the results that the gatekeeper agent will refuse if the level of security does not meet the required level of trust.

As per claim 176, Michalski does not expressly disclose that the relationships include a relationship to a group with which at least one of said persons in one of said chains is associated. However, given that Michalski shows personal gatekeeper agents are able to give access at varying levels of security, based on level of trust, it would have been obvious to one skilled in the art at the time of the invention to include access groups based on the levels of security in order to organize the authorization required much like that of operating systems employing group IDs with varying levels of authority.

Claims 151-152 are rejected under 35 U.S.C. 103(a) as being unpatentable over Michalski as applied to claim 148 above, and further in view of Kautz et al. ("The Hidden Web"), herein referred to as Kautz.

As per claim 151, although the system disclosed by Michalski shows substantial features of the claimed invention (discussed above), it fails to disclose that the search criteria include a connection threshold specified by the searcher, the connection threshold indicating a maximum number of person-to-person relationships to be allowed in establishing said one or more chains of person-to-person relationships connecting the searcher and the potential targets.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Michalski, as evidenced by Kautz.

In an analogous art, Kautz discloses that the search criteria include a connection threshold specified by the searcher, the connection threshold indicating a maximum number of person-to-person relationships to be allowed in establishing said one or more chains of person-to-person relationships connecting the searcher and the potential targets (see page 32, Figure 2).

Given the teaching of Kautz, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Michalski by employing a connection threshold, such as disclosed by Kautz, in order to search for a person that is more likely to know someone the searcher knows.

As per claim 152, Michalski in view of Kautz further disclose that the access control criteria comprises a connection threshold indicating a maximum number of person-to-person relationships to be allowed in establishing said one or more chains of person-to-person relationships (see Kautz page 32, Figure 2).

Claims 161, 162 is rejected under 35 U.S.C. 103(a) as being unpatentable over Michalski as applied to claim 148 above, and further in view of Walker et al. (US 5,884,270), herein referred to as Walker.

As per claim 161, although the system disclosed by Michalski shows substantial features of the claimed invention (discussed above), it fails to disclose whether a third party evaluation report is accessible to the searcher, said third party evaluation report (i) pertaining to a person forming a person-to-person relationship connecting the searcher and the potential target, and (ii) being integrated with a personal profile of said person forming a person-to-person relationship connecting the searcher and the potential target.

Nonetheless, these features are well known in the art and would have been an obvious modification of the system disclosed by Michalski, as evidenced by Walker.

In an analogous art, Walker discloses a system for facilitating employment searches where upon receiving criteria for candidates of interest from an employer, releasing to the employer the employment data associated with the candidates (see Abstract). Further showing that a third party evaluation report is accessible to the searcher, the third party evaluation report being integrated with a personal profile (see columns 17 and 18, lines 63-67 and 1-23).

Given the teaching of Walker, a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Michalski by employing a third party evaluation report, such as disclosed by Walker, in order to verify the credentials of a possible target.

In considering pertaining to a person forming a person-to-person relationship, it would have been obvious to a person skilled in the art that the third party evaluation would be used on a person forming a person-to-person relationship as shown in Michalski.

As per claim 162, it would have been obvious to one skilled in the art at the time of the invention to make the third party evaluation report inaccessible to the person that the third party evaluation report pertains in order to keep the evaluation report confidential.

(10) Response to Argument

A) Appellant contends that Michalksi is not an enabling disclosure with respect to each and every limitation of the claims.

In considering A), the Examiner respectfully disagrees. The Appellant has not provided any evidence that the reference of Michalksi would require one of ordinary skill in the art to use undue experimentation to implement the claimed invention. That is, providing evidence whether one reasonably skilled in the art could make or use the invention from the reference of Michalksi coupled with information known in the art without undue experimentation. The Examiner believes that a computer programmer of ordinary skill in the art could implement the features taught by Michalksi.

B) Appellant contends that Michalksi does not disclose reporting matches based on chains of person-to-person relationships.

In considering B), the Examiner respectfully disagrees. Michalksi discloses reporting matches by discussing how the system is used to allow people to meet other people (see page 15, paragraph 3, describing how the system creates Rolodexes that helps people build teams, staff projects, make introductions and close deals). The Examiner believes that the reporting matches comes with the personal search agents looking for likely partners, suppliers and other resources (see page 15, paragraph

4, discussing finding a likely prospect after a search result (i.e. reporting matches)). And the chains of person-to-person relationships is taught by the levels of trust that are controllable by a guarding gatekeeper that a person-to-person relationship shares when the network brokers goes and searches for people (see page 15, paragraph 15).

C) Appellant contends that Michalksi does not disclose a connection strength between each two people forming a person-to-person connection in a chain of person-to-person connections exceeding a connection threshold.

In considering C), the Examiner respectfully disagrees. Michalksi discloses that personal information is available to the network broker, but not individuals, unless it is specifically allowed by the guarding gatekeeper. Furthermore, disclosing that the personal gatekeeper agents are able to give access at varying levels of security based on the levels of trust (i.e. if a person meets the level of trust, information will be available to the individual doing the searching). The claim does not clearly define what the connection strength consists of. Therefore, the Examiner believes this provides enough evidence to teach a connection strength (i.e. how well do you trust someone) between two people and exceeding a connection threshold by meeting the level of security based on the level of trust (i.e. if you trust them enough, give them information).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Philip Chea



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